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FM AMEMBASSY ROME
TO RUEHC/SECSTATE WASHDC PRIORITY 1279
INFO RUEHAM/AMEMBASSY AMMAN PRIORITY 0599
RUEHTH/AMEMBASSY ATHENS PRIORITY 1881
RUEHBY/AMEMBASSY CANBERRA PRIORITY 0891
RUEHDO/AMEMBASSY DOHA PRIORITY 0153
RUEHKU/AMEMBASSY KUWAIT PRIORITY 0349
RUEHMJ/AMEMBASSY MAJURO PRIORITY 0030
RUEHMK/AMEMBASSY MANAMA PRIORITY 0128
RUEHNV/AMEMBASSY MONROVIA PRIORITY 0410
RUEHMS/AMEMBASSY MUSCAT PRIORITY 0052
RUEHNY/AMEMBASSY OSLO PRIORITY 0414
RUEHOT/AMEMBASSY OTTAWA PRIORITY 1833
RUEHZP/AMEMBASSY PANAMA PRIORITY 0301
RUEHPG/AMEMBASSY PRAGUE PRIORITY 0289
RUEHSA/AMEMBASSY PRETORIA PRIORITY 0542
RUEHUL/AMEMBASSY SEOUL PRIORITY 0526
RUEHGP/AMEMBASSY SINGAPORE PRIORITY 0107
RUEHKO/AMEMBASSY TOKYO PRIORITY 1959
RUEHTRO/AMEMBASSY TRIPOLI PRIORITY
RUEHNR/AMEMBASSY NAIROBI PRIORITY 1567
RUEHPL/AMEMBASSY PORT LOUIS PRIORITY 0038
RUEHMIL/AMCONSUL MILAN PRIORITY 9698
RUEHFL/AMCONSUL FLORENCE PRIORITY 3326
RUEHNP/AMCONSUL NAPLES PRIORITY 3489
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0936
RUEHBS/USEU BRUSSELS PRIORITY 4701
RUEHNO/USMISSION USNATO PRIORITY 2982
RUEKJCS/JOINT STAFF WASHDC PRIORITY
RHMFISS/HQ USEUCOM VAHINGEN GE PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
RHMFISS/HQ USCENTCOM MACDILL AFB FL PRIORITY

C O N F I D E N T I A L ROME 001485

SIPDIS

PM/PPA FOR DAVID GLANCY, PM/ISO FOR JEFF FREDERICK

E.O. 12958: DECL: 12/06/2018

TAGS: [PREL](#) [MOPS](#) [PBTS](#) [PHSA](#) [PTER](#) [NATO](#) [IT](#)

SUBJECT: PIRACY: ITALY FAVORS ROBUST APPROACH BUT MAY LACK
LEGAL FRAMEWORK

REF: STATE 126055

Classified By: Acting Political Minister-Counselor J. Liam Wasley for R
easons 1.4 (B) and (D)

11. (C) Poloffs raised reftel points with Italian MFA NATO
Desk Officer Andrea Romussi and UN Desk Officer Gabriela
Biondi on December 4. They said Italy shared U.S. concerns
over the increasing danger of piracy and the threat it posed
to commerce, maritime safety and the delivery humanitarian
assistance. Romussi noted that Italy is committed to a
robust effort: The Standing NATO Maritime Group implementing
Operation Allied Provider is commanded by an Italian Rear
Admiral and Italy is sending two officers to the UK-based
headquarters of the EU's ATALANTA Operation.

12. (C) Romussi said the GOI was pleased with the authorities
contained in the recently-passed UNSCR 1846, and agrees with
our position that there is a sufficiently strong body of
international law empowering nations to detain and prosecute
pirates captured on the high seas. Italian MOD lawyers,
however, object that Italian law lacks explicit provisions
for implementing international legal authorities in such a
way that would allow Italian naval commanders to overcome
domestic legal requirements (such as the law that every
arrest must be countersigned by an Italian magistrate within
48 hours). The MFA, MOD and Ministry of Justice will meet on
December 16 to address the problem, but until it is resolved,
Italian naval commanders are more likely to try to scare off

pirates than to detain them. (Note: Italian Chief of Defense General Camporini recently expressed the same legal reservations to Ambassador Spogli and the DATT).

12. (C) Romussi added that one alternative being explored is to hand over captured pirates for prosecution in countries like Kenya or the Seychelles that do not have the death penalty (an Italian legal requirement that is binding on military forces deployed overseas). The MFA is also considering a proposal to add piracy to the agenda of the informal NATO-Russia Council meetings -- in part to provide a non-controversial venue for NRC dialogue, in part to encourage Russian naval assistance in the Horn of Africa region.

13. (C) Biondi said Italy hopes to discuss the possibility of an expanded UN role in coordinating international anti-piracy efforts at next week's UN Security Council ministerial meeting on piracy. Biondi also highlighted the need for jurisdictional and legal assistance for states combating piracy in the waters around Somalia. (Note: In his meeting with Ambassador Spogli on December 3, Foreign Minister Frattini noted that the Secretary had raised the idea of a possible UNSC decision to create an international tribunal to deal with piracy and that he was interested in greater details about the proposal.)

SPOGLI